

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Appeal to the Board of Patent Appeals and Interferences

PATENT APPLICATION

In re PATENT APPLICATION of

Inventor(s): ENGEL et al.

Appln. No.: 09

Series Code ↑

523,455

Serial No. ↑

Group Art Unit: 5040

Examiner.: Jiang, S.

Atty. Dkt. P 264671

M#

99/06PH

Client Ref

Filed: March 10, 2000

Title: Method for a programmed controlled ovarian stimulation protocol

Hon. Commissioner of Patents  
Washington, D.C. 20231

Date: November 7, 2002

Sir:

1. ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated May 7, 2002 of the Examiner twice/finally rejecting claim(s) in this application or in this application and its parent application.
2. ☐ **BRIEF** on appeal in this application attached in triplicate (extendable up to 5 months).
3. ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer- unextendable)
4. ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer - unextendable).
5. ☐ "Small entity" statement filed: ☐ herewith. ☐ previously.
6. ☐ Fee **NOT** required because paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits (35 USC 134).

## 7. FEE CALCULATION

	Large/Small Entity	Fee Code
If box 1 above is X'd, .....enter	\$320/160	\$320 119/219
If box 2 above is X'd, .....enter	\$320/160	\$0 120/220
If box 3 above is X'd, .....enter	\$280/140	\$0 121/221
If box 4 above is X'd, .....enter nothing	- 0 - (no fee)	
<b>8. Original due date:</b> August 7, 2002		
9. Petition is hereby made to extend the original due date (1 mo)	\$110/\$55	115/215
to cover the date this response is filed for which the (2 mos)	\$400/\$200	116/216
requisite fee is attached. (3 mos)	\$920/\$460	117/217
(4 mos)	\$1,440/\$720	118/218
(Usable only if box 2 is X'd--- 5 mos)	\$1,960/\$980	128/228
10. Enter any previous extension fee paid <input type="checkbox"/> previously since above		
Original due date (item 8 ); <input type="checkbox"/> with concurrently filed amendment .....	-\$0	
11. Subtract line 10 from line 9 and enter: Total Extension Fee		+\$920
12. TOTAL FEE =		\$1240

(Our Deposit Account No. 03-3975)

(Our Order No.

98501

264671

C#

M#

PLEASE CHARGE  
OUR DEP. ACCT.

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached. This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

11/08/2002 SDENB081 00000005 033975 09523455

01 FC:1401 320.00 CH  
02 FC:1253 920.00 CH

Pillsbury Winthrop LLP  
Intellectual Property Group

P.O. Box 10500  
McLean, VA 22102  
Tel: (703) 905-2000

By: Atty: Thomas A. Cawley, Jr.

Reg. No. 40944

Atty/Sec: TACJ/AMX

Sig: [Signature]

Fax: (703) 905-2500

Tel: (703) 905-2144

**NOTE:** File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments